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PATENT  
Shorne

Attorney Docket No. 40750-5001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

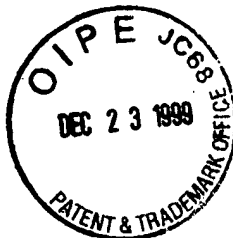
In re Application of:

H.-J. SU HUANG *et al.*

Application No.: 09/071,541

Filed: May 4, 1998

For: METHODS TO MODULATE THE  
RESISTANCE OF CELLS TO APOP-  
TOSIS MEDIATED BY MUTANT  
EPIDERMAL GROWTH FACTOR  
RECEPTORS



) Group Art Unit: 1623

) Examiner: Kathleen Kahler Fonda Ph.D.

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

AMENDMENT

This amendment responds to the Office Action mailed on June 23, 1999. A three month extension of time for response is requested, as reflected on the accompanying transmittal sheets. Applicants respectfully request that the following amendments and remarks be considered.

Please amend the application as follows:

IN THE CLAIMS:

For the Examiners convenience, all of the pending claims are reprinted below.

1. (Amended) A method of modulating an [the] apoptosis-inhibiting effect in a target cell or tissue of a mutant EGFR gene, comprising [the step of] administering to the cell or

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PATENT  
ATTORNEY DOCKET NO. 40750-5001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Application of:

H.-J. SU HUANG *et al.*

Application No.: 09/071,541

Filed: May 4, 1998

**For: Methods To Modulate The Resistance Of  
Cells To Apoptosis Mediated By Mutant  
Epidermal Growth Factor Receptors**

) Group Art Unit: 1623

) Examiner: Kathleen Kahler Fonda, Ph.D.

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

# AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment with a petition for a three-month extension of time in response to the Office Action dated June 23, 1999 (Paper No. 6).
2. Additional papers enclosed:
- ☐ Drawings: ☐ Formal ☐ Informal (Correction)
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449, \_\_\_\_\_ references included
  - ☐ Citations
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

### 3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$190.00
<input checked="" type="checkbox"/> three months	\$ 870.00	\$435.00
<input type="checkbox"/> four months	\$1,360.00	\$680.00

Extension of time fee due with this request: **\$870.00**

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	19	minus	19	0	x \$18 each=	0.00
Independent Claims (37 C.F.R. §1.16(b))	3	minus	3	0	x \$78 each=	0.00
[X] First presentation of Multiple dependent claim(s)					\$260.00	0.00
SUB-TOTAL =						
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$ 0.00

6. Fee Payment

[X] Check for a three-month extension of time (\$870) is attached.

[ ] Please charge to Deposit Account No. 50-0310. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: December 23, 1999

By:

Michael S. Tuscan

Michael S. Tuscan

Reg. No. 43,210

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